

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In the PATENT APPLICATION of:

Westhoff et al.

**Application No.:** 09/395,106**Appeal No.:** 2005-2519**Filed:** September 14, 1999For: MANHOLE INSERT FOR  
MANUFACTURE OF A CAST MEMBER AND  
INCREASED STRUCTURAL AND HOLDING  
STRENGTH**Group:** 3637**Examiner:** Phin Dieu Tran A

Our File: POL-PT010.1

Date: September 14, 2005

**RECEIVED**

SEP 14 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**COMMUNICATION RE BOARD OF PATENT APPEALS AND  
INTERFERENCES DOCKETING NOTICE**

Board of Patents Appeals and Interferences

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Further to the Docketing Notice mailed on August 18, 2005, we noticed the United States Patent and Trademark Office indicated that we filed a Request for Hearing on June 13, 2005. However, we filed a Request for the Status of the Hearing previously requested on that date (copy enclosed).

**Applicant:  
Application No.:**

Please correct this error and forward a notification with the correction. We also still await the status of this Hearing for the above-identified patent application.

Respectfully submitted,

Westhoff et al.

By



Louis Weinstein  
Registration No. 20,477  
(215) 568-6400

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103

LW/tmf  
Enclosures

LW



## United States Patent and Trademark Office POL-PT010.1

Under Secretary of Commerce for Intellectual Property and  
 Director of the United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

VOLPE AND KOENIG, P.C.  
 UNITED PLAZA, SUITE 1600  
 30 SOUTH 17TH STREET  
 PHILADELPHIA, PA 19103

Paper No:  
 Appeal No: 2005-2519  
 Application: 09/395,106  
 Appellant: JAMES A. WESTHOFF et al.

MAILED

AUG 18 2005

PAT. & T.M. OFFICE  
 BOARD OF PATENT APPEALS  
 AND INTERFERENCES

**Board of Patent Appeals and Interferences**  
**Docketing Notice**

Application 09/395,106 was received from the Technology Center at the Board on July 07, 2005 and has been assigned Appeal No: 2005-2519.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: January 23, 2003  
 Reply Brief filed on: October 12, 2004  
 Request for Hearing filed on: June 13, 2005

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES**  
**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**P.O. BOX 1450**  
**ALEXANDRIA, VIRGINIA 22313-1450**

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

RECEIVED

AM/PM

AUG 23 2005

VOLPE & KOENIG, P.C.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

(to be used for all correspondence after initial filing)	Application Number	09/395,106
	Filing Date	September 14, 1999
	First Named Inventor	Westhoff et al.
	Art Unit	3637
	Examiner Name	Phi Dieu Tran A
Total Number of Pages in This Submission	Attorney Docket Number	POL-PT010.1

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Copy of Examiner's Answer of August 6, 2004, copy of our Reply and Request for an Oral Hearing Date of October 6, 2004</b>
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VOLPE AND KOENIG, P.C.		
Signature			
Printed name	Louis Weinstein		
Date	June 8, 2005	Reg. No.	20,477

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Board of Patent Appeals and Interferences Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		
Typed or printed name	Louis Weinstein	Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Westhoff et al.

**Application No.:** 09/395,106

**Confirmation No.:** 5428

**Filed:** September 14, 1999

**For:** MANHOLE INSERT FOR  
MANUFACTURE OF A CAST MEMBER AND  
TO PROVIDE A STEP INSERT HAVING  
INCREASED STRUCTURAL AND HOLDING  
STRENGTH

**Group:** 3637

**Examiner:** Phi Dieu Tran A

Our File: POL-PT-010.1

Date: June 8, 2005

**COMMUNICATION RE STATUS OF REQUEST FOR ORAL HEARING  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Board of Patent Appeals and Interferences  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please advise as to the status of our request for an Oral Hearing that we filed on  
October 6, 2004 (copy enclosed) before the Board of Patent Appeals and Interferences.

We filed the request along with a Reply in response to Examiner's Answer mailed on  
August 6, 2004 (copy enclosed).

PTO/SB/21 (09-04)

Approved for use through 07/31/2006.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/395,106 (Appeal No. 2005-2519)

Filing Date September 14, 1999

First Named Inventor Westhoff et al.

Art Unit 3637

Examiner Name Phi Dieu Tran A

Attorney Docket Number POL-PT010.1

## ENCLOSURES (Check all that apply)

Fee Transmittal Form  
 Fee Attached

Amendment/Reply  
 After Final  
 Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Reply to Missing Parts/ Incomplete Application  
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)  
 Licensing-related Papers

Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation  
 Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_  
 Landscape Table on CD

Remarks

After Allowance Communication to TC

Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):

Communication Re Docketing  
Notice, Copy Of Communication  
Filed June 8, 2005

## OFFICIAL FACSIMILE

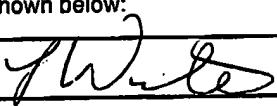
6 PAGES SENT VIA FACSIMILE TO 571-273-0052.  
PLEASE IMMEDIATELY DELIVER TO EXAMINER PHI DIEU TRAN A,  
GROUP ART UNIT 3637.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VOLPE AND KOENIG, P.C.		
Signature			
Printed name	LOUIS WEINSTEIN		
Date	September 14, 2005	Reg. No.	20,477

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being sent Via Facsimile (571-273-8300) addressed to: Examiner Phi Dieu Tran A  
Group Art Unit 3637, on the date shown below:

Signature	
Typed or printed name	LOUIS WEINSTEIN
Date	September 14, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.